

Remarks

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 1-3, 6-8, 11, 12, 15, 16, and 19-24 are currently pending in the application; Claims 1-3, 6-8, 11, 12, 15, and 16 having been amended, non-elected Claims 4, 5, 9, 10, 13, 14, 17, and 18 having been canceled without prejudice or disclaimer, and new Claims 19-24 having been added, by way of the present response.

In the outstanding Office Action, Claims 1-3, 6, 8, 11, and 12 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-3, 6, 8, 11, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,036,622 to Carroll et al. (Carroll).¹

As stated above in the Office Action Claims 1-3, 6, 8, 11 and 12 were rejected under 35 U.S.C. § 112, second paragraph. Regarding the Office Action's assertion that the recitation of "castor" is indefinite, Applicants respectfully traverse this assertion. As shown in the attachment, a definition of "castor" includes a "wheel on a swivel."² Thus, Applicants respectfully assert that the claimed recitation of castor is definite, and particularly points out and distinctly claims subject matter that Applicants regard as an invention. Notwithstanding the above discussion, however, Applicants have amended the claims in a non-narrowing manner to recite "wheel" in place of the previous recitations of "castor," as appropriate. Applicants have further amended the claims in a non-narrowing manner as follows: in Claim 1, to remove the recitations of "the tension exerted by . . . these filaments" and "the transition of this tension;" and in Claims 6, 11, and 12 to remove the recitations of "the filaments." Thus, Applicants respectfully request that the rejection of Claims 1-3, 6, 8, 11 and 12 under 35 U.S.C. § 112, second paragraph, be withdrawn.

¹ Although Page 3, last two lines of the Office Action state only that "Claims 1, 3, 6, and 12 are rejected under 35 U.S.C. 102(b)," Applicants respectfully assert that the rejection is understood to apply to each of non-withdrawn Claims 1-3, 6, 8, 11, and 12 in view of further statements on lines 1-12 of page 4.

² American Heritage Dictionary of the English Language, 2000.

As stated above in the Office Action Claims 1-3, 6, 8, 11, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Carroll. Applicants respectfully request that the rejection of the claims be withdrawn for the following reasons.

As stated above, independent Claim 1 has been amended to recite differing features of the invention, Claims 1-3, 6-8, 11, 12, 15, and 16 have been amended in a non-narrowing manner to place the claims in better condition for examination, and new Claims 19-24 have been added. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

The present invention is directed to a process for manufacturing a continuous yarn. Independent Claim 1 recites drawing a multiplicity of streams of molten material to form a multiplicity of continuous filaments. The multiplicity of the filaments is gathered into the yarn with a wheel. A position of the wheel is monitored to determine whether a tension exerted by the multiplicity of the filaments falls below a predetermined tension.

Carroll is directed to a method and apparatus for forming a glass strand. As shown in the figures of Carroll, filaments 14 enter a gathering shoe 16 as single filaments and are gathered by the shoe 16 into a unified strand 18. The strand 18 holds a bar 20, such as a circular, cylindrical bar, at an angle away from vertical. The pivoted bar 20 constantly monitors the presence of the unified strand 18 and is in contact with the unified strand 18.³

Applicants respectfully assert that Carroll does not teach, however, the claimed features of monitoring a position of a wheel gathering a multiplicity of filaments into a yarn to determine whether a tension exerted by the multiplicity of filaments falls below a predetermined tension, as recited in independent Claim 1. Specifically, Applicants

³ From Column 3, line 59 to Column 4, line 7.

respectfully assert that Carroll does not show or state monitoring a position of the shoe 16 gathering the filaments 14 into the unified strand 18, for example.

Independent Claim 1 recites “ gathering the multiplicity of the filaments into the yarn with a wheel . . . and monitoring a position of the wheel to determine whether a tension exerted by the multiplicity of the filaments falls below a predetermined tension.” Thus, Applicants respectfully request that the rejection of independent Claim 1 under 35 U.S.C. § 102(b) be withdrawn and the independent claim allowed.

Dependent Claims 2, 3, 6-8, 11, 12, 15, and 16 are allowable for the same reasons as independent Claim 1 from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejection of dependent Claims 2, 3, 6, 8, 11, and 12 under 35 U.S.C. § 102(b) be withdrawn, that withdrawn dependent Claims 7, 15 and 16 be treated on the merits, and the allowance of dependent Claims 2, 3, 6-8, 11, 12, 15, and 16.

Applicants respectfully assert that new independent Claim 19, as well as Claims 20-24 which depend therefrom, are allowable over the references of record. Specifically, Applicants respectfully assert that the claims recite novel and unobvious features including, but not limited to, gathering a plurality of filaments with a wheel and monitoring a movement of the wheel to determine whether at least one filament has broken, that are not taught or suggested by Carroll. Thus, Applicants respectfully request the allowance of new Claims 19-24.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3, 6-8, 11, 12, 15, 16, and 19-24 is earnestly solicited.

Application No. 09/926,415
Reply to Office Action of February 23, 2004

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

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Respectfully submitted,

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Word of the Day

Castigate

Definition: to punish or criticize harshly

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caster

SYLLABICATION: cast·er

PRONUNCIATION: [AUDIO](#): kās'tər [KEY](#)

NOUN: **1.** One that casts: *a caster of nets.*

2. also **cas·tor** ([AUDIO](#): kās'tər) A small wheel on a swivel, attached under a piece of furniture or other heavy object to make it easier to move.

3. also **castor a.** A small bottle, pot, or shaker for holding a condiment. **b.** A stand for a set of condiment containers.

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